उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

M.A. No. 1048/2005

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

MISC. APPEAL NO. 1048/2005

APPELLANT Sanjay, son of Akalu Ram, Caste Harijan, aged about 04 years, Minor through guardian father Akaluram, son of Nansay, Caste- Harijan, R/o. village Kaskela, P.S. Jainagar, Tahsil Surajpur, Distt. Surguja (C.G.)

VERSUS

RESPONDENTS
Non-applicants

1. Dilbharan, S/o. Ghuran, aged about 20 years, R/o, village Kaskela, P.S. Jainagar, Tahsil Surajpur, Distt. Surguja (C.G.) (DRIVER)

2. Ghuran, S/o. Moti, R/o. village Kaskela, P.S. Jainagar, Tahsil Surajpur, Distt. Surguja (C.G.) (OWNER)

Before : Hon'ble Shri Dhirendra Mishra, J.

11-5-2007

Shri Ashok Kumar Shukla, Advocate for the appellant.

Shri Santosh Bharat, Advocate for the respondent No. 2.

Heard.

The claimant/applicant has preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 against the award dated 4-5-2007 passed in Motor Accident Claim Case No. 1/2004 by the 4th Additional Motor Accident Claims Tribunal (F.T.C.), Surajpur, Distt. Surguja whereby a sum of Rs. 5,000/- has been awarded to him as compensation for the injuries sustained by him in the accident dated 30-4-2001 involving Motor Cycle Regd. No.

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

MP 27/9054 owned by the respondent No. 2 and driven rashly and negligently by respondent No. 1.

Learned counsel for the appellant submits that the appellant has sustained grievous injuries described in para 10 of the impugned award and he was hospitalized for the period from 30-4-2001 to 8-4-2001 in District Hospital, Ambikapur and he was advised X-ray and even then the learned Tribunal has awarded a meager sum of Rs. 5,000/- as compensation which is inadequate and, therefore, the amount of compensation deserves to be enhanced.

On the other hand, learned counsel for the respondents submits that there is no evidence available on record that the claimant suffered grievous injuries or he incurred expenses as claimed in the petition. The Tribunal after considering the evidence available on record has awarded a just compensation to the claimant.

I have heard learned counsel for the parties and perused the record.

After perusing the evidence available on record, it is observed that the appellant was admitted in the hospital on the date of accident itself i.e. 30-4-2001 and remained there for treatment up to 8-4-2001. Dr. Sanjay Tripathi who is treating doctor has been examined, bed head ticket of the appellant has been filed and proved. Apart from the above evidence, receipts towards treatment expenses have also been filed. Thus looking to the period of

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —3—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

hospitalization, the nature of injuries suffered by the appellant, it would be just and proper that in addition to Rs. 5,000/- awarded by the Tribunal, Rs. 5,000/- more be awarded to the claimant.

The appeal is accordingly allowed. The amount of compensation is enhanced to Rs. 10,000/- with interest @ 6% per annum from the date of application. The respondents are jointly and severely liable to satisfy the award. The awarded sum be paid within a period of two months from today.

Sd/-
DHIRENDRA MISHRA
Judge

P/-